

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 18171)
of Zola Z. and Helen V. Bauer and)
Application 18379 of Acie W. Barney) Decision D 1007
to appropriate from Mill Creek in)
Mendocino County)

ADOPTED MAY 4 '61

1007

DECISION DENYING APPLICATIONS

Zola Z. and Helen V. Bauer having filed Application 18171 and Acie W. Barney having filed Application 18379 for permits to appropriate unappropriated water; protests having been received, the applicants and protestants having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; investigation having been made by the State Water Rights Board pursuant to said stipulations; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 18171 is for a permit to appropriate 1.9 cubic feet per second from Mill Creek in Mendocino County between May 15 and November 15 of each year for irrigation and stockwatering purposes within Section 9, T22N, R12W, MDB&M.

2. Application 18379 is for a permit to appropriate 0.125 cubic foot per second from Mill Creek in Mendocino County between May 1 and November 1 of each year for irrigation and

stockwatering purposes within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 31, T23N, R12W, MDB&M.

3. Permit 11213 (Application 17586) has been issued to E. A. and Josephine Noyes, protestants to both applications, to appropriate 0.56 cubic foot per second from Mill Creek to be diverted from May 1 to September 1 of each season at a point below the diversions of other parties named herein. Permit 7377 (Application 11908) has been issued to Henry C. Lingua, protestant to Application 18379, to appropriate 0.75 cubic foot per second from Mill Creek to be diverted from June 1 to November 1 of each season at a point below the diversion proposed in Application 18379 and above that proposed in Application 18171. Permit 11750 (Application 18137) has been issued to Arda M. Gregory to appropriate 0.22 cubic foot per second from Mill Creek to be diverted from May 15 to October 1 of each season at a point below the diversions proposed by these applications.

4. A field investigation on November 5, 1959, found no flows in Mill Creek at any point.

5. The flows of Mill Creek diminish between June 15 and July 15 of each year to an amount which is insufficient to supply the water allowed under Permits 11213 and 7377. Because of the effect upon surface flow and underflow of the creek, the diversions proposed under Applications 18171 and 18379, or either of them, would further deplete the supply available to protestant Noyes. Diversion under Application 18379 would also deplete the supply available to protestant Lingua.

6. Unappropriated water does not occur in the source at the proper times and in sufficient quantities to justify approval of the applications.

From the foregoing findings, the Board concludes that Applications 18171 and 18379 should be denied.

The records, documents, and other data relied upon in determining the matter are: Applications 18171 and 18379 and all relevant information on file therewith, particularly the reports of the field investigations made on May 28, 1959, and November 5, 1959; Permit 11213 (Application 17586); Permit 7377 (Application 11908); Permit 11750 (Application 18137); and all relevant information on file therewith; Bulletin 5, Department of Public Works, "Flow in California Streams", dated 1923, and United States Geological Survey, "Covello" and "Spyrock" quadrangles, 15-minute series, dated 1952.

IT IS HEREBY ORDERED that Applications 18171 and 18379 be, and the same are, denied.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on the day of , 1961.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member